

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,
ex rel ROBERT C. BAKER,**

Plaintiffs,

vs.

Civ. No. 05-279 WJ/ACT

**COMMUNITY HEALTH SYSTEMS, INC.,
et al.,**

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on the Proposed Findings and Recommended Disposition of United States Magistrate Judge Alan C. Torgerson, filed August 9, 2013 [Doc. No. 594], regarding Defendants' Petition for Fees Concerning Defendants' Motion for Sanctions Against the United States of America. [Doc. 549.] On August 23, 2013, the United States filed its Objections. [Doc. 595.]

The Court has conducted a *de novo* review of the record and finds that the objections are not well taken. The party filing objections must specifically identify those findings or recommendations to which the objections are being made. *United States v. Berryman*, No. 11-CV-02708-WYD-KLM, 2012 WL 3245415, *5 (D. Colo. Aug. 8, 2012). Here, the United States failed to identify any finding or recommendation to which it objected in the Magistrate Judge's Proposed Findings and Recommended Disposition regarding Defendants' Petition for Fees Concerning Defendants' Motion for Sanctions Against the United States of America. Instead, the United States restated its objections to the Magistrate Judge's Report and Recommendations regarding Defendants' Motion for Sanctions [Doc. 538], objections which were overruled in this

Court's Memorandum Opinion and Order Overruling Objections filed on October 3, 2012 [Doc. 544]. Thus, there being no objections to the Magistrate Judge's Proposed Findings and Recommended Disposition regarding Defendants' Petition for Fees Concerning Defendants' Motion for Sanctions Against the United States, the Court will adopt the Magistrate Judge's Proposed Findings and Recommended Disposition.

This Court lacks jurisdiction regarding the Government's request that this sanction be reimbursed in the event it prevails in any appeal that might be taken by the United States concerning the Court's rulings on the Defendants' Motion for Sanctions. The courts of appeals has jurisdiction of appeals from all final decisions of the district courts of the United States. 28 U.S.C.A. § 1291.

IT IS THEREFORE ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition regarding Defendants' Petition for Fees Concerning Defendants' Motion for Sanctions Against the United States of America [Doc. 594] is adopted as follows:

1. 26.5 hours billed by the Skadden attorneys on behalf of Defendants during their "meet and confer" phase are excluded;
2. 816.5 hours billed by the Skadden attorneys on behalf of Defendants for Phases II through VI are reasonable;
3. 4.9 hours billed by local counsel William Madison on behalf of the Defendants are excluded;
4. 19.7 hours billed by local counsel William Madison on behalf of the Defendants are reasonable;
5. 20.0 hours billed by local counsel Henry Bohnhoff on behalf of the Defendants are reasonable;

6. The hourly rates of local counsel William Madison and Henry Bohnhoff are reasonable;

7. The subject of this litigation presents unusual circumstances that warrant a departure from local hourly rates for the Skadden attorneys;

8. The prevailing market rate for the relevant community of law firms in Washington, D.C., managing complex litigation is based on the Adjusted *Laffey* Matrix; and

9. The Government is ordered to reimburse the Defendants in the amount of **\$435,971.62** (\$425,331.00 (Skadden fees) + \$10,640.62 (local counsel fees)) within twenty (20) days of the entry of this Order.

IT IS SO ORDERED.



WILLIAM P. JOHNSON
United States District Court